

REFERENCE TITLE: theft; means of transportation; jail

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2096**

Introduced by  
Representative Farnsworth

AN ACT

AMENDING SECTION 13-1814, ARIZONA REVISED STATUTES; RELATING TO THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-1814, Arizona Revised Statutes, is amended to  
3 read:

4 13-1814. Theft of means of transportation; permissible  
5 inferences; classification

6 A. A person commits theft of means of transportation if, without  
7 lawful authority, the person knowingly does one of the following:

8 1. Controls another person's means of transportation with the intent  
9 to permanently deprive the person of the means of transportation.

10 2. Converts for an unauthorized term or use another person's means of  
11 transportation that is entrusted to or placed in the defendant's possession  
12 for a limited, authorized term or use.

13 3. Obtains another person's means of transportation by means of any  
14 material misrepresentation with intent to permanently deprive the person of  
15 the means of transportation.

16 4. Comes into control of another person's means of transportation that  
17 is lost or misdelivered under circumstances providing means of inquiry as to  
18 the true owner and ~~appropriated~~ APPROPRIATES the means of transportation to  
19 the person's own or another's use without reasonable efforts to notify the  
20 true owner.

21 5. Controls another person's means of transportation knowing or having  
22 reason to know that the property is stolen.

23 ~~B. The inferences set forth in section 13-2305 apply to any~~  
24 ~~prosecution under the provisions of subsection A, paragraph 5 of this~~  
25 ~~section.~~

26 B. IN AN ACTION FOR THEFT OF MEANS OF TRANSPORTATION UNDER SUBSECTION  
27 A, PROOF OF THE FOLLOWING CIRCUMSTANCES, UNLESS SATISFACTORILY EXPLAINED, MAY  
28 GIVE RISE TO AN INFERENCE THAT THE PERSON IN POSSESSION OF THE MEANS OF  
29 TRANSPORTATION WAS AWARE OF THE RISK THAT THE MEANS OF TRANSPORTATION HAD  
30 BEEN STOLEN OR HAD IN SOME WAY PARTICIPATED IN THE THEFT OF THE MEANS OF  
31 TRANSPORTATION:

32 1. THE PURCHASE OR SALE OF THE MEANS OF TRANSPORTATION AT A PRICE THAT  
33 IS SUBSTANTIALLY BELOW ITS FAIR MARKET VALUE.

34 2. THE PURCHASE OR SALE OF THE MEANS OF TRANSPORTATION BY A DEALER IN  
35 PROPERTY OUT OF THE REGULAR COURSE OF BUSINESS OR WITHOUT THE USUAL INDICIA  
36 OF OWNERSHIP OTHER THAN MERE POSSESSION.

37 3. THE POSSESSION OF DOCUMENTS OR PERSONAL PROPERTY OF THE OWNER OF  
38 THE RECENTLY STOLEN MEANS OF TRANSPORTATION.

39 4. THE POSSESSION OF ANY TOOL, MANIPULATION KEY, INSTRUMENT OR OTHER  
40 ARTICLE THAT IS ADAPTED OR COMMONLY USED IN THE COMMISSION OF THEFT OF MEANS  
41 OF TRANSPORTATION.

42 5. AN EFFORT WAS MADE TO ENTER THE RECENTLY STOLEN MEANS OF  
43 TRANSPORTATION BY ANY MEANS THAT IS NOT NORMAL AND REGULAR OR THAT AN EFFORT  
44 WAS MADE TO START THE MEANS OF TRANSPORTATION BY ANY MEANS THAT IS NOT NORMAL  
45 AND REGULAR.

1 C. IN AN ACTION FOR THEFT OF MEANS OF TRANSPORTATION UNDER SUBSECTION  
2 A, PARAGRAPH 5, PROOF OF THE POSSESSION OF THE RECENTLY STOLEN MEANS OF  
3 TRANSPORTATION, UNLESS SATISFACTORILY EXPLAINED, MAY GIVE RISE TO AN  
4 INFERENCE THAT THE PERSON IN POSSESSION OF THE MEANS OF TRANSPORTATION WAS  
5 AWARE OF THE RISK THAT THE MEANS OF TRANSPORTATION HAD BEEN STOLEN OR HAD IN  
6 SOME WAY PARTICIPATED IN THE THEFT OF THE MEANS OF TRANSPORTATION.

7 D. IF A PERSON IS CONVICTED OF A FIRST VIOLATION OF THIS SECTION AND  
8 THE COURT SENTENCES THE PERSON TO A TERM OF PROBATION, THE COURT SHALL ORDER  
9 THAT AS AN INITIAL TERM OF PROBATION THE PERSON BE IMPRISONED IN THE COUNTY  
10 JAIL FOR NOT LESS THAN TWO HUNDRED SEVENTY DAYS. THIS JAIL TERM OF  
11 INCARCERATION SHALL NOT BE DELETED, DEFERRED OR OTHERWISE SUSPENDED AND SHALL  
12 COMMENCE ON THE DATE OF SENTENCING. THIS SUBSECTION DOES NOT APPLY TO PERSONS  
13 WHO ARE SENTENCED TO SERVE A PERIOD OF INCARCERATION IN THE STATE DEPARTMENT  
14 OF CORRECTIONS.

15 ~~E.~~ E. Theft of means of transportation is a class 3 felony.